



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/506,189	02/17/2000	Simon Robert Smith	00138	7235

7590 05/08/2003

Mark G Kachigian  
Head Johnson & Kachigian  
228 West 17th Place  
Tulsa, OK 74119

EXAMINER

GUBIOTTI, MATTHEW P

ART UNIT

PAPER NUMBER

2124

DATE MAILED: 05/08/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/506,189	SMITH ET AL.
Examiner	Art Unit	
Matthew Gubiotti	2124	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 19 February 2003.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-6 and 8 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-6 and 8 is/are rejected.

7)  Claim(s) 4 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 2/19/03 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)  The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some \* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a)  The translation of the foreign language provisional application has been received.

15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_  
4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_

**DETAILED ACTION**

1. This action is in response to the amendment filed February 19<sup>th</sup>, 2003.

2. Per request of the applicant:

Claim 7 has been cancelled;

Claims 1 and 4 have been amended;

Claim 8 has been added.

Claims 1-6 and 8 are pending in the application.

3. The Examiner acknowledges receipt of the new drawings to overcome his previous rejections but renews his objection to the drawings below on new grounds.

4. In view of the amendments filed February 19<sup>th</sup>, 2003, the rejection of claim 7 under 35 U.S.C. § 112 is withdrawn.

***Response to Amendment***

***Drawings***

5. The drawings filed on February 19<sup>th</sup>, 2003 are objected to. The drawings are objected to because Figure 1 is not labeled. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

In addition, Figures 2 and 4-9 are objected to because not all of the text/words are fully displayed within the figure. For example, see left margin of Figures 4-9.

***Claim Objections***

6. Claim 4 is objected to because of the following informalities: The sentence is grammatically incorrect (See *claim language*: "a tool which...maps each element to [an?] application and information in the form of one or more software components"). Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 1-6 and 8 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. The amendment entered on February 19<sup>th</sup>, 2003 has been made without any indication that no new matter(s) have been added and/or any

indication of supporting descriptions in the filed disclosure.

See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976).

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim recites the limitation "process models" in Line 1. There is insufficient antecedent basis for this limitation in the claim. The term has been treated in this action as "process model".

***Claim Rejections - 35 USC § 102***

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

Art Unit: 2124

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

12. Claims 1-6 and 8 are rejected under 35 U.S.C. 102(a) as being anticipated by Pyron ("Special Edition: Using Microsoft Project 98", Que Publishing, 1997, pp. 1-989).

**Claim 1**

Pyron teaches a method of creating a process driven information system substantially as claimed, comprising:

(a) creating a process model comprising a plurality of elements ("tasks"; p.7, li.10-16; fig.2.32) representing the work to be carried out by personnel in an organization ("resources"; p.12, li.12-23), said model forming a component of a hierarchical arrangement of cross-referenced processes ("linking relationships between tasks"; p.8, li.20-25);

(b) using the model to identify requirements for application and support components for said processes (fig.2.32; p.8, li.7-11);

(c) finding or creating one or more application and support component as support for said processes ("creating a new resource"; p.14, li.8-9; fig.8.1); and

(d) deploying the system with said application and support components accessible from designated elements in said processes

(p.9, li.3-6; fig.2.34)(illustrating the display of resource details accessed through selection of a task).

**Claim 2**

Pyron further teaches wherein the model is part of a set of general purpose graphical business models ("Gantt Chart"; fig.2.32; p.7,li.4-5).

**Claim 3**

Pyron further teaches wherein the models are accessible via a web browser (p.33, li.3-5; fig.14.1).

**Claim 4**

Pyron further teaches wherein the elements of the process model are provided in a tool which uniquely identifies each element and maps each element to application and information in the form of one or more software components ("assigning resources to tasks"; fig.10.3; p.28, li.3-22 ).

**Claim 5**

Pyron further teaches wherein the software components are in the form of web-based resources (p.33, li.3-5 & 16-17; fig.14.1).

**Claim 6**

Pyron further teaches wherein the software components are accessed by the user selecting or one or more of the process

Art Unit: 2124

model elements displayed on a display screen (p.9, li.3-6; fig.2.34).

**Claim 8**

Pyron further teaches wherein the method is used to educate users within an organization as to how the organization processes functions (p.3, li.6-10).

***Response to Arguments***

13. Applicant's arguments filed February 19<sup>th</sup>, 2003 have been fully considered but they are not persuasive.

14. Applicant's arguments with respect to claims 1-6 and 8 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

15. Applicant's amendments necessitated the new ground(s) of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened

Art Unit: 2124

statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

16. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Matthew Gubiotti whose telephone number is (703) 305-8285. The Examiner can normally be reached on M-F, 8-4PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Kakali Chaki can be reached on (703) 305-9662. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

MPG  
April 30, 2003

  
**TUAN Q. DAM**  
**PRIMARY EXAMINER**